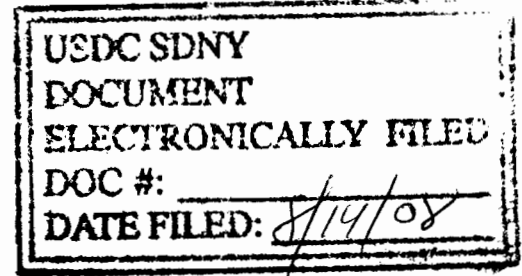


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
COREY R. MILLER,

Plaintiff,

-v.-

DEPARTMENT OF CORRECTIONS,  
Defendant.

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:

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:

**ORDER**

07 Civ. 7584 (SHS)(GWG)

-----X

**GABRIEL W. GORENSTEIN, United States Magistrate Judge.**

The docket sheet in this action indicates that the amended complaint was filed on May 5, 2008, and that no proof of service of the summons and complaint has been filed. Rule 4(m) of the Federal Rules of Civil Procedure provides:

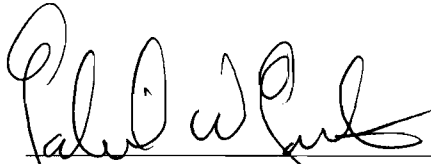
If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f) or 4(j)(1).

In accordance with this rule, plaintiff is directed to arrange for prompt service of the summons and complaint on the defendant(s). If service is not made by September 15, 2008, or if no application is made in writing by such date to extend the time for service showing good cause for the failure to serve, this action may be dismissed.

Please be aware that the Pro Se Office at the United States Courthouse, 500 Pearl Street, Room 230, New York, New York 10007 (Telephone: (212) 805-0175) may be of assistance in connection with court procedures.

SO ORDERED.

Dated: August 14, 2008  
New York, New York

  
\_\_\_\_\_  
GABRIEL W. GORENSTEIN  
United States Magistrate Judge

Copy to:

Corey R. Miller  
07-R-1260  
Camp Pharsalia Correctional Facility  
496 Center Road  
South Plymouth, NY 13844-6777